

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARTIN J. WALSH, Secretary of Labor,)	
United States Department of Labor,)	
)	
Plaintiff,)	Civil Action No. 4:22-cv-420
)	
v.)	
)	
LARRY LONIGRO,)	
)	
Defendant)	
)	

COMPLAINT

Pursuant to Section 217 of the Fair Labor Standards Act, of 1938, as amended (29 U.S.C. § 201 *et seq.*) (“FLSA”), Plaintiff, Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Secretary”), brings this action to enjoin and restrain the defendant Larry Lonigro (“Defendant”) from violating Sections 206, 207, 211, 215(a)(2) and 215(a)(5) of the FLSA and to enjoin and restrain Defendant from withholding unpaid compensation from their employees.

The Secretary, through the Wage and Hour Division, conducted an investigation of Defendants for compliance with the FLSA. The Secretary’s investigation reviewed Defendants’ employment and pay practices from May 1, 2020, through July 3, 2020, (the “Investigation Period”). Unless stated otherwise, all allegations and conditions described herein pertain to the Investigation Period.

Jurisdiction and Venue

1. This Court has jurisdiction of this case. 29 U.S.C. §§ 216(c), 217 and 28 U.S.C. § 1345.

2. This Court is the proper venue because all or a substantial part of the events or omissions giving rise to these allegations occurred in this judicial district.

Defendants

3. Defendant Larry Lonigro actively managed and supervised Lonigro's Supermarket's operations and its employees during the Investigation Period. Among other things, Larry Lonigro hired and fired employees, set their work schedules, and set their pay rates.

4. Larry Lonigro acted directly or indirectly in Lonigro's Supermarket's interests with respect to its employees and is therefore an "employer" under the FLSA. 29 U.S.C. § 203(d).

5. During the Investigation Period, Defendant engaged in business within Franklin County, within this Court's jurisdiction.

The FLSA Applies to Defendant's Employees

6. Defendant employed employees whom the FLSA covers individually because those employees regularly engaged in interstate commerce, produced goods, or worked in a closely-related process or occupation directly essential to that production. The employees' work included, among other things, regularly and frequently handling and processing credit card transactions from places outside the state of Missouri. The credit card transactions send information to credit card companies located outside the state of Missouri. In addition, employees regularly handled food and other products shipped in interstate commerce.

FLSA Violations

7. Defendant repeatedly violated Sections 206 and 215(a)(2) of the FLSA when they failed to pay their employees at least \$7.25 per hour. 29 U.S.C. §§ 206(a)(1), 215(a)(2).

8. Defendant also repeatedly violated Sections 207 and 215(a)(2) of the FLSA when they failed to pay their employees one-and-one-half times their regular rates for hours worked in excess of 40 in a workweek. 29 U.S.C. §§ 207(a)(1), 215(a)(2).

9. Defendant violated Sections 211 and 215(a)(5) of the FLSA when they failed to keep complete and accurate records. 29 U.S.C. §§ 211, 215(a)(5), 29 C.F.R. Part 516.

Remedies Sought

10. As a result of their FLSA violations, Defendant has unlawfully withheld unpaid compensation from their employees.

Prayer for Relief

As a result of Lonigro's Supermarket's repeated FLSA violations, the Secretary respectfully requests this Court enter an Order:

- A. Permanently enjoining and restraining Defendant, their officers, agents, servants, employees, and those in active concert or participation with them, from withholding unpaid compensation found owing to Defendants' employees. 29 U.S.C. § 217(a).
- B. Permanently enjoining and restraining Defendant, their officers, agents, servants, employees, and those in active concert or participation with them, from violating Sections 206, 207, 211, and 215(a)(2) of the FLSA. 29 U.S.C. § 217(a).
- C. Providing such other relief as may be necessary and appropriate.
- D. Awarding costs and granting such other and further relief as may be necessary and appropriate.

SEEMA NANDA

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